

36

AMENDMENT TO H.R. 2601, AS REPORTED
OFFERED BY MR. HYDE

Redesignate title XI as title XII and redesignate sections 1101 through 1126 as sections 1201 through 1226, respectively (and conform the table of contents accordingly).

Insert after title X the following new title (and conform the table of contents accordingly):

1 **TITLE XI—HENRY J. HYDE**
2 **UNITED NATIONS REFORM**
3 **ACT OF 2005**

4 **SECTION 1101. SHORT TITLE.**

5 This title may be cited as the “Henry J. Hyde United
6 Nations Reform Act of 2005”.

7 **SEC. 1102. DEFINITIONS.**

8 In this title:

9 (1) **EMPLOYEE.**—The term “employee” means
10 an individual who is employed in the general serv-
11 ices, professional staff, or senior management of the
12 United Nations, including contractors and consult-
13 ants.



1 (2) GENERAL ASSEMBLY.—The term “General
2 Assembly” means the General Assembly of the
3 United Nations.

4 (3) MEMBER STATE.—The term “Member
5 State” means a Member State of the United Na-
6 tions. Such term is synonymous with the term
7 “country”.

8 (4) SECRETARY.—The term “Secretary” means
9 the Secretary of State.

10 (5) SECRETARY GENERAL.—The term “Sec-
11 retary General” means the Secretary General of the
12 United Nations.

13 (6) SECURITY COUNCIL.—The term “Security
14 Council” means the Security Council of the United
15 Nations.

16 (7) SPECIALIZED AGENCIES AND SPECIALIZED
17 AGENCIES OF THE UNITED NATIONS.—The terms
18 “specialized agencies” and “specialized agencies of
19 the United Nations” mean—

20 (A) the Food and Agriculture Organization
21 (FAO);

22 (B) the International Atomic Energy
23 Agency (IAEA);

24 (C) the International Civil Aviation Orga-
25 nization (ICAO);



1 (D) the International Fund for Agricul-
2 tural Development (IFAD);

3 (E) the International Labor Organization
4 (ILO);

5 (F) the International Maritime Organiza-
6 tion (IMO);

7 (G) the International Telecommunication
8 Union (ITU);

9 (H) the United Nations Educational, Sci-
10 entific, and Cultural Organization (UNESCO);

11 (I) the United Nations Industrial Develop-
12 ment Organization (UNIDO);

13 (J) the Universal Postal Union (UPU);

14 (K) the World Health Organization
15 (WHO) and its regional agencies;

16 (L) the World Meteorological Organization
17 (WMO); and

18 (M) the World Intellectual Property Orga-
19 nization (WIPO).

20 **SEC. 1103. STATEMENT OF CONGRESS.**

21 Congress declares that, in light of recent history, it
22 is incumbent upon the United Nations to enact significant
23 reform measures if it is to restore the public trust and
24 confidence necessary for it to achieve the laudable goals



1 set forth in its Charter. To this end, the following Act
2 seeks to reform the United Nations.

3 **Subtitle A—Mission and Budget of**
4 **the United Nations**

5 **SEC. 1111. UNITED STATES FINANCIAL CONTRIBUTIONS TO**
6 **THE UNITED NATIONS.**

7 (a) STATEMENTS OF POLICY.—

8 (1) IN GENERAL.—It shall be the policy of the
9 United States to use its voice, vote, and influence at
10 the United Nations to—

11 (A) pursue a streamlined, efficient, and ac-
12 countable regular assessed budget of the United
13 Nations; and

14 (B) shift funding mechanisms of certain
15 organizational programs of the United Nations
16 specified under paragraph (4) from the regular
17 assessed budget to voluntarily funded programs.

18 (2) UNITED STATES CONTRIBUTIONS.—It shall
19 be the policy of the United States to—

20 (A) redirect United States contributions to
21 the United Nations to achieve the policy objec-
22 tives described in paragraph (1)(B); and

23 (B) redirect a portion of funds from the
24 following organizational programs to pursue the
25 policy objectives described in paragraph (1)(A):



1 (i) Public Information.

2 (ii) General Assembly affairs and con-
3 ference services.

4 (3) FUTURE BIENNIUM BUDGETS.—It shall be
5 the policy of the United States to use its voice, vote,
6 and influence at the United Nations to ensure that
7 future biennial budgets of the United Nations, as
8 agreed to by the General Assembly, reflect the shift
9 in funding mechanisms described in paragraph
10 (1)(B) and the redirection of funds described in
11 paragraph (2).

12 (4) CERTAIN ORGANIZATIONAL PROGRAMS.—
13 The organizational programs referred to in para-
14 graph (1)(B) are the following:

15 (A) Economic and social affairs.

16 (B) Least-developed countries, landlocked
17 developing countries and small island devel-
18 oping States.

19 (C) United Nations support for the New
20 Partnership for Africa's Development.

21 (D) Trade and development.

22 (E) International Trade Center UNCTAD/
23 WTO.

24 (F) Environment.

25 (G) Human settlements.



- 1 (H) Crime prevention and criminal justice.
2 (I) International drug control.
3 (J) Economic and social development in
4 Africa.
5 (K) Economic and social development in
6 Asia and the Pacific.
7 (L) Economic development in Europe.
8 (M) Economic and social development in
9 Latin America and the Caribbean.
10 (N) Economic and social development in
11 Western Asia.
12 (O) Regular program of technical coopera-
13 tion.
14 (P) Development account.
15 (Q) Protection of and assistance to refu-
16 gees.
17 (R) Palestine refugees.
18 (b) AUTHORIZATION WITH RESPECT TO THE REG-
19 ULAR ASSESSED BUDGET OF THE UNITED NATIONS.—
20 Subject to the amendment made by subsection (c), the
21 Secretary of State is authorized to make contributions to-
22 ward the amount assessed to the United States by the
23 United Nations for the purpose of funding the regular as-
24 sessed budget of the United Nations.

1 “(A) redirect United States contributions
2 to the United Nations to achieve the policy ob-
3 jectives described in paragraph (1)(B); and

4 “(B) redirect a portion of funds from the
5 following organizational programs to pursue the
6 policy objectives described in paragraph (1)(A):

7 “(i) Public Information.

8 “(ii) General Assembly affairs and
9 conferences services.

10 “(3) FUTURE BIENNIUM BUDGETS.—The Presi-
11 dent shall direct the United States Permanent Rep-
12 resentative to the United Nations to use the voice,
13 vote, and influence of the United States at the
14 United Nations to ensure that the shifting of fund-
15 ing mechanisms under paragraph (1)(B) and re-
16 directing of contributions under paragraph (2) be re-
17 flected in future resolutions agreed to by the General
18 Assembly for the regular assessed budget of the
19 United Nations for the period of a current biennium.
20 To achieve the policies described in paragraphs (1)
21 and (2), the United States Permanent Representa-
22 tive to the United Nations shall withhold the support
23 of the United States for a consensus for such budget
24 until such time as such budget is reflective of such
25 policies.



1 “(b) 22 PERCENT LIMITATION.—In accordance with
2 section 1171 of the Henry J. Hyde United Nations Re-
3 form Act of 2005, the Secretary may not make a contribu-
4 tion to a regularly assessed biennial budget of the United
5 Nations in an amount greater than 22 percent of the
6 amount calculable under subsection (c).

7 “(c) ANNUAL DUES.—

8 “(1) IN GENERAL.—For annual dues paid by
9 the United States to the United Nations each fiscal
10 year, the percentage specified in subsection (b) shall
11 be multiplied by one-half of the amount of the regu-
12 larly assessed budget of the United Nations for a
13 current biennial period, as agreed to by resolution of
14 the General Assembly.

15 “(2) CALCULATION WITH RESPECT TO CERTAIN
16 ORGANIZATIONAL PROGRAMS FOR REDIRECTION.—
17 The percentage specified in subsection (b) shall be
18 multiplied by one-half of the sum of amounts budg-
19 eted by resolution of the General Assembly for a
20 current biennial period for the following certain or-
21 ganizational programs:

22 “(A) Economic and social affairs.

23 “(B) Least-developed countries, landlocked
24 developing countries and small island devel-
25 oping States.

1 “(C) United Nations support for the New
2 Partnership for Africa’s Development.

3 “(D) Trade and development.

4 “(E) International Trade Center
5 UNCTAD/WTO.

6 “(F) Environment.

7 “(G) Human settlements.

8 “(H) Crime prevention and criminal jus-
9 tice.

10 “(I) International drug control.

11 “(J) Economic and social development in
12 Africa.

13 “(K) Economic and social development in
14 Asia and the Pacific.

15 “(L) Economic development in Europe.

16 “(M) Economic and social development in
17 Latin America and the Caribbean.

18 “(N) Economic and social development in
19 Western Asia.

20 “(O) Regular program of technical co-
21 operation.

22 “(P) Development account.

23 “(Q) Protection of and assistance to refu-
24 gees.

25 “(R) Palestine refugees.



1 “(3) REDIRECTION OF FUNDS.—Of amounts
2 appropriated for contributions towards payment of
3 regular assessed dues to the United Nations for
4 2008 and each subsequent year, if the funding
5 mechanisms of one or more of the organizational
6 programs of the United Nations specified in para-
7 graph (2) have not been shifted from the regular as-
8 sessed budget to voluntarily funded programs in ac-
9 cordance with subsection (a)(1), the Secretary shall
10 ensure that such amounts in each such fiscal year
11 that are specified for each such organizational pro-
12 gram pursuant to the resolution agreed to by the
13 General Assembly for the regular assessed budget of
14 the United Nations for the period of a current bien-
15 nium are redirected from payment of the assessed
16 amount for the regular assessed budget as follows:

17 “(A) Subject to not less than 30 days prior
18 notification to Congress, the Secretary shall ex-
19 pend an amount, not to exceed 40 percent of
20 the amount specified for each such organiza-
21 tional program pursuant to the resolution
22 agreed to by the General Assembly for the reg-
23 ular assessed budget of the United Nations for
24 the period of a current biennium, as a contribu-

1 tion to an eligible organizational program speci-
2 fied in paragraph (4).

3 “(B) Subject to not less than 30 days prior
4 notification to Congress, the Secretary shall ex-
5 pend the remaining amounts under this para-
6 graph to voluntarily funded United Nations spe-
7 cialized agencies, funds, or programs.

8 “(4) ELIGIBLE ORGANIZATIONAL PROGRAMS.—

9 The eligible organizational programs referred to in
10 paragraph (3)(A) for redirection of funds under such
11 paragraph are the following:

12 “(A) Internal oversight.

13 “(B) Human rights.

14 “(C) Humanitarian assistance.

15 “(D) An organizational program specified
16 in subparagraphs (A) through (P) of paragraph
17 (2), subject to paragraph (5).

18 “(5) EXPENDITURE OF REMAINING AMOUNTS
19 TO CERTAIN ORGANIZATION PROGRAMS.—

20 “(A) VOLUNTARY CONTRIBUTION.—Sub-
21 ject to not less than 30 days prior notification
22 to Congress and the limitation specified under
23 subparagraph (B), the Secretary is authorized
24 to make a voluntary contribution to an organi-
25 zational program of the United Nations speci-



1 fied in subparagraphs (A) through (P) of para-
2 graph (2) of any amounts not contributed in a
3 fiscal year to an eligible organizational program
4 specified in subparagraphs (A) through (C) of
5 paragraph (4).

6 “(B) 10 PERCENT LIMITATION.—A vol-
7 untary contribution under subparagraph (A) to
8 an organizational program of the United Na-
9 tions specified in subparagraphs (A) through
10 (P) of paragraph (2) may not exceed 10 percent
11 of the total contribution made under paragraph
12 (3)(A).

13 “(d) FURTHER CALCULATION WITH RESPECT TO
14 BUDGETS FOR PUBLIC INFORMATION AND GENERAL AS-
15 SEMBLY AFFAIRS AND CONFERENCE SERVICES.—

16 “(1) 22 PERCENT LIMITATION.—The Secretary
17 may not make a contribution to a regularly assessed
18 biennial budget of the United Nations in an amount
19 greater than 22 percent of the amount calculable
20 under paragraph (2).

21 “(2) ANNUAL DUES EACH FISCAL YEAR.—

22 “(A) IN GENERAL.—For annual dues paid
23 by the United States to the United Nations
24 each fiscal year, the percentage specified in
25 paragraph (1) shall be multiplied by one-half of



1 the amount of the regularly assessed budget of
2 the United Nations for a current biennial pe-
3 riod, as agreed to by resolution of the General
4 Assembly.

5 “(B) CALCULATION WITH RESPECT TO
6 PUBLIC INFORMATION AND GENERAL ASSEMBLY
7 AFFAIRS AND CONFERENCE SERVICES.—With
8 respect to such United States annual dues, the
9 percentage specified in paragraph (1) shall be
10 multiplied by one-half of the sum of amounts
11 budgeted by resolution of the General Assembly
12 for the 2004–2005 biennial period for the fol-
13 lowing organizational programs:

14 “(i) Public Information.

15 “(ii) General Assembly affairs and
16 conferences services.

17 “(C) REDIRECTION OF FUNDS.—

18 “(i) IN GENERAL.—The President
19 shall direct the United States Permanent
20 Representative to the United Nations to
21 make every effort, including the with-
22 holding of United States support for a con-
23 sensus budget of the United Nations, to
24 reduce the budgets of the organizational
25 programs specified in subparagraph (B)



1 for 2007 by 10 percent against the budgets
2 of such organizational programs for the
3 2004–2005 biennial period. If the budgets
4 of such organizational programs are not so
5 reduced, 20 percent the amount deter-
6 mined under subparagraph (B) for con-
7 tributions towards payment of regular as-
8 sessed dues for 2007 shall be redirected
9 from payment for the amount assessed for
10 United States annual contributions to the
11 regular assessed budget of the United Na-
12 tions.

13 “(ii) SPECIFIC AMOUNTS.—The Sec-
14 retary shall make the amount determined
15 under clause (i) available as a contribution
16 to an eligible organizational program speci-
17 fied in subparagraphs (A) through (C) of
18 paragraph (4) of subsection (c).

19 “(3) POLICY WITH RESPECT TO 2008–2009 BIEN-
20 NIAL PERIOD AND SUBSEQUENT BIENNIAL PERI-
21 ODS.—

22 “(A) IN GENERAL.—The President shall
23 direct the United States Permanent Represent-
24 ative to the United Nations to make every ef-
25 fort, including the withholding of United States

1 support for a consensus budget of the United
2 Nations, to reduce the budgets of the organiza-
3 tional programs specified in subparagraph (B)
4 of paragraph (2) for the 2008–2009 biennial
5 period and each subsequent biennial period by
6 20 percent against the budgets of such organi-
7 zational programs for the 2004–2005 biennial
8 period.

9 “(B) CERTIFICATION.—In accordance with
10 section 1171 of the Henry J. Hyde United Na-
11 tions Reform Act of 2005, a certification shall
12 be required that certifies that the reduction in
13 budgets described in subparagraph (A) has
14 been implemented.”.

15 (d) EFFECTIVE DATE.—The amendment made by
16 subsection (c) shall take effect and apply beginning on Oc-
17 tober 1, 2006.

18 (e) LIMITATION ON UNITED STATES CONTRIBUTIONS
19 TO UNRWA.—The Secretary of State may not make a
20 contribution to the United Nations Relief and Works
21 Agency for Palestine Refugees in the Near East
22 (UNRWA) in an amount greater than the highest con-
23 tribution to UNRWA made by an Arab country, but may
24 not exceed 22 percent of the total budget of UNRWA. For
25 purposes of this subsection, an Arab country includes the



1 following: Algeria, Bahrain, Comoros, Djibouti, Egypt,
2 Iran, Jordan, Kuwait, Lebanon, Libya, Mauritania, Mo-
3 rocco, Oman, Qatar, Saudi Arabia, Somalia, Sudan, Syria,
4 Tunisia, the United Arab Emirates, Iraq, and Yemen.

5 (f) POLICY RELATING TO ZERO NOMINAL
6 GROWTH.—It shall be the policy of the United States to
7 use the voice, vote, and influence of the United States at
8 the United Nations to make every effort to enforce zero
9 nominal growth in all assessed dues to the regular budget
10 of the United Nations, its specialized agencies, and its
11 funds and programs.

12 (g) 5.6 Rule.—It shall be the policy of the United
13 States to use the voice, vote, and influence of the United
14 States at the United Nations to actively enforce the 5.6
15 rule at the United Nations, requiring the Secretariat to
16 identify low-priority activities in the budget proposal. The
17 United Nations should strengthen the 5.6 rule by requir-
18 ing that managers identify the lowest priority activities
19 equivalent to 15 percent of their budget request or face
20 an across the board reduction of such amount.

21 (h) ANNUAL PUBLICATION.—It shall be the policy of
22 the United States to use the voice, vote, and influence of
23 the United States at the United Nations to ensure the
24 United Nations is annually publishing a list of all sub-
25 sidiary bodies and their functions, budgets, and staff.



1 (i) SCALE OF ASSESSMENTS.—

2 (1) IN GENERAL.—The President shall direct
3 the United States Permanent Representative to the
4 United Nations to use the voice, vote, and influence
5 of the United States at the United Nations to make
6 every effort to ensure that the difference between
7 the scale of assessments for the five permanent
8 members of the Security Council is not greater than
9 five times that of any other permanent member of
10 the Security Council.

11 (2) DENIAL OF USE OF VETO.—If the Secretary
12 of State determines that a permanent member of the
13 Security Council with veto power is not in compli-
14 ance with the requirement described in paragraph
15 (1), the President shall direct the United States Per-
16 manent Representative to the United Nations to use
17 the voice, vote, and influence of the United States at
18 the United Nations to make every effort to deny to
19 such permanent member the use of the veto power
20 of such permanent member until such time as such
21 permanent member satisfies the requirement of such
22 paragraph.

23 **SEC. 1112. WEIGHTED VOTING.**

24 It shall be the policy of the United States to actively
25 pursue weighted voting with respect to all budgetary and



1 financial matters in the Administrative and Budgetary
2 Committee and in the General Assembly in accordance
3 with the level of the financial contribution of a Member
4 State to the regular assessed budget of the United Na-
5 tions.

6 **SEC. 1113. BUDGET CERTIFICATION REQUIREMENTS.**

7 (a) **CERTIFICATION.**—In accordance with section
8 1171, a certification shall be required that certifies that
9 the conditions described in subsection (b) have been satis-
10 fied.

11 (b) **CONDITIONS.**—The conditions under this sub-
12 section are the following:

13 (1) **NEW BUDGET PRACTICES FOR THE UNITED**
14 **NATIONS.**—The United Nations is implementing
15 budget practices that—

16 (A) require the maintenance of a budget
17 not in excess of the level agreed to by the Gen-
18 eral Assembly at the beginning of each United
19 Nations budgetary biennium, unless increases
20 are agreed to by consensus and do not exceed
21 ten percent; and

22 (B) require the identification of expendi-
23 tures by the United Nations by functional cat-
24 egories such as personnel, travel, and equip-
25 ment.

1 (2) PROGRAM EVALUATION.—

2 (A) EXISTING AUTHORITY.—The Secretary
3 General and the Director General of each spe-
4 cialized agency have used their existing authori-
5 ties to require program managers within the
6 United Nations Secretariat and the Secretariats
7 of the specialized agencies to conduct evalua-
8 tions in accordance with the standardized meth-
9 odology referred to in subparagraph (B) of—

10 (i) United Nations programs approved
11 by the General Assembly; and

12 (ii) programs of the specialized agen-
13 cies.

14 (B) DEVELOPMENT OF EVALUATION CRI-
15 TERIA.—

16 (i) UNITED NATIONS.—The Office of
17 Internal Oversight Services has developed
18 a standardized methodology for the evalua-
19 tion of United Nations programs approved
20 by the General Assembly, including specific
21 criteria for determining the continuing rel-
22 evance and effectiveness of the programs.

23 (ii) SPECIALIZED AGENCIES.—Pat-
24 terned on the work of the Office of Inter-
25 nal Oversight Services of the United Na-

1 SEC. 1114. ACCOUNTABILITY.

2 (a) CERTIFICATION OF CREATION OF INDEPENDENT
3 OVERSIGHT BOARD.—In accordance with section 1171, a
4 certification shall be required that certifies that the fol-
5 lowing reforms related to the establishment of an Inde-
6 pendent Oversight Board (IOB) have been adopted by the
7 United Nations:

8 (1) An IOB is established from existing United
9 Nations budgetary and personnel resources. Except
10 as provided in this subsection, the IOB shall be an
11 independent entity within the United Nations and
12 shall not be subject to budget authority or organiza-
13 tional authority of any entity within the United Na-
14 tions.

15 (2) The head of the IOB shall be a Director,
16 who shall be nominated by the Secretary General
17 and who shall be subject to Security Council ap-
18 proval by a majority vote. The IOB shall also consist
19 of four other board members who shall be nominated
20 by the Secretary General and subject to Security
21 Council approval by a majority vote. The IOB shall
22 be responsible to the Security Council and the Direc-
23 tor and board members shall each serve terms of six
24 years, except that the terms of the initial board shall
25 be staggered so that no more than two board mem-
26 bers' terms will expire in any one year. No board



1 member may serve more than two terms. An IOB
2 board member may be removed for cause by a ma-
3 jority vote of the Security Council. The Director
4 shall appoint a professional staff headed by a Chief
5 of Staff and may employ contract staff as needed.

6 (3) The IOB shall receive operational and budg-
7 etary funding through appropriations by the General
8 Assembly from existing levels of United Nations
9 budgetary and personnel resources, and shall not be
10 dependent upon any other entity, bureau, division,
11 department, or specialized agency of the United Na-
12 tions for such funding.

13 (4) While the IOB shall have the authority to
14 evaluate all operations of the United Nations, the
15 primary mission of the IOB is to oversee the Office
16 of Internal Oversight Services and the Board of Ex-
17 ternal Auditors. The IOB may direct the Office of
18 Internal Oversight Services or the Board of External
19 Auditors to initiate, abandon, or modify the scope of
20 an investigation. Every three months or more fre-
21 quently when appropriate, the IOB shall submit, as
22 appropriate, to the Secretary General, the Security
23 Council, the General Assembly, or the Economic and
24 Social Council a report on its activities, relevant ob-
25 servations, and recommendations relating to its



1 audit operations, including information relating to
2 the inventory and status of investigations by the Of-
3 fice of Internal Oversight Services.

4 (5) In extraordinary circumstances and with the
5 concurrence of the Secretary General or the Security
6 Council by majority vote, the IOB may augment the
7 Office of Internal Oversight Services with a special
8 investigator and staff consisting of individuals who
9 are not employees of the United Nations, to inves-
10 tigate matters involving senior officials of the United
11 Nations or of its specialized agencies when allega-
12 tions of serious misconduct have been made and
13 such a special investigation is necessary to maintain
14 public confidence in the integrity of the investiga-
15 tion. A special investigator and staff shall comply
16 with all United Nations financial disclosure and con-
17 flict of interest rules, including the filing of an indi-
18 vidual Annual Financial Disclosure Form in accord-
19 ance with subsection (c).

20 (6) The IOB shall recommend annual budgets
21 for the Office of Internal Oversight Services and the
22 Board of External Auditors.

23 (7)(A) The IOB shall review the Final Report
24 of the Independent Inquiry Committee (IIC) into the
25 United Nations Oil for Food Program (OFF). The

1 IOB's review should focus on the adequacy of the
2 IIC's Final Report or any subsequent reports of the
3 IIC or of any possible successor to the IIC. The
4 IOB's review of the IIC's Final Report should ad-
5 dress the Final Report's treatment of and adequacy
6 in the following areas—

7 (i) OFF's operations from inception
8 through the transfer of power from the Coali-
9 tion Provisional Authority to the interim Iraqi
10 government;

11 (ii) claims of oil smuggling, illegal sur-
12 charges on oil and commissions on commodity
13 contracts, illegal kick-backs, use of oil alloca-
14 tions to influence foreign government officials
15 and international people of influence, and use of
16 funds for military purposes;

17 (iii) the involvement, directly or indirectly,
18 of any entity, bureau, division, department, spe-
19 cialized agency, or employee (including the Sec-
20 retary General) of the United Nations, includ-
21 ing any employee of the specialized agencies of
22 the United Nations or any employee or officer
23 of the Secretariat;

24 (iv) the IIC's findings, discovery and use of
25 evidence, and investigation practices; and



1 (v) the extent of cooperation by the United
2 Nations with requests by Congress for testi-
3 mony, interviews, documents, correspondence,
4 reports, memoranda, books, papers, accounts,
5 or records related to the Oil for Food Program.

6 (B) Subsequent to the IOB's review, the IOB
7 shall determine in a written report whether the IIC
8 investigation is incomplete or inadequate in any re-
9 spects and whether any additional investigation is
10 justified. If the IOB determines that additional in-
11 vestigation is warranted, it shall appoint, in accord-
12 ance with paragraph (5), a special investigator and
13 staff consisting of individuals who are not employees
14 of the United Nations and to identify specific areas
15 within the OFF to investigate.

16 (b) CERTIFICATION OF UNITED NATIONS REFORMS
17 OF THE OFFICE OF INTERNAL OVERSIGHT SERVICES.—
18 In accordance with section 1171, a certification shall be
19 required that certifies that the following reforms related
20 to the Office of Internal Oversight Services (OIOS) have
21 been adopted by the United Nations:

22 (1) The OIOS is designated as an independent
23 entity within the United Nations. The OIOS shall
24 not be subject to budget authority or organizational



1 authority of any entity within the United Nations
2 except as provided in this section.

3 (2) The regular assessed budget of the United
4 Nations shall fully fund the Internal Oversight
5 Budget from existing levels of United Nations budg-
6 etary and personnel resources and shall not be de-
7 pendent upon any other entity, bureau, division, de-
8 partment, or specialized agency of the United Na-
9 tions for such funding.

10 (3) All United Nations officials, including offi-
11 cials from any entity, bureau, division, department,
12 or specialized agency of the United Nations, may—

13 (A) make a recommendation to the OIOS
14 to initiate an investigation of any aspect of the
15 United Nations; or

16 (B) report to the OIOS information or al-
17 legations of misconduct or inefficiencies within
18 the United Nations.

19 (4) The OIOS may, *sua sponte*, initiate and
20 conduct an investigation or audit of any entity, bu-
21 reau, division, department, specialized agency, em-
22 ployee (including the Secretary General) of the
23 United Nations, including any employee of the spe-
24 cialized agencies of the United Nations, or con-



1 tractor or consultant for the United Nations or its
2 specialized agencies.

3 (5) At least every three months and more fre-
4 quently when appropriate, the OIOS shall submit to
5 the IOB a report containing an inventory and status
6 of its investigations.

7 (6) The OIOS shall establish procedures for
8 providing "whistle-blower" status and employment
9 protections for all employees of the United Nations,
10 including employees of the specialized agencies of
11 the United Nations, who provide informational leads
12 and testimony related to allegations of wrongdoing.
13 Such procedures shall be adopted throughout the
14 United Nations. Such status and protection may not
15 be conferred on the Secretary General.

16 (7) The OIOS shall annually publish a public
17 report determining the proper number, distribution,
18 and expertise of auditors within the OIOS necessary
19 to carry out present and future duties of the OIOS,
20 including assessing the staffing requirements needed
21 to audit United Nations contracting activities
22 throughout the contract cycle from the bid process
23 to contract performance.

24 (8) Not later than six months after the date of
25 the enactment of this Act, the Director shall estab-



1 lish a position of Associate Director of OIOS for
2 Specialized Agencies and Funds and Programs who
3 shall be responsible for supervising the OIOS liaison
4 or oversight duties for each of the specialized agen-
5 cies and funds and programs of the United Nations.
6 With the concurrence of the Director, the Associate
7 Director of OIOS for Specialized Agencies and
8 Funds and Programs may, from existing levels of
9 United Nations budgetary and personnel resources,
10 hire and appoint necessary OIOS staff, including
11 staff serving within and located at specialized agen-
12 cies and funds and programs permanently or as
13 needed to liaison with existing audit functions within
14 each specialized agency and fund and program.

15 (9) Not later than six months after the date of
16 the enactment of this Act, the Director shall estab-
17 lish a position of Associate Director of OIOS for
18 Peacekeeping Operations, who shall be responsible
19 for the oversight and auditing of the field offices at-
20 tached to United Nations peacekeeping operations.
21 The Associate Director of OIOS for Peacekeeping
22 Operations shall receive informational leads and tes-
23 timony from any person regarding allegations of
24 wrongdoing by United Nations officials or peace-
25 keeping troops or regarding inefficiencies associated

1 with United Nations peacekeeping operations. The
2 Associate Director of OIOS for Peacekeeping Oper-
3 ations shall be responsible for initiating, conducting,
4 and overseeing investigations within peacekeeping
5 operations.

6 (10) Not later than six months after the date
7 of the enactment of this Act, the Director shall es-
8 tablish a position of Associate Director of OIOS for
9 Procurement and Contract Integrity, who shall be
10 responsible for auditing and inspecting procurement
11 and contracting within the United Nations, including
12 within the specialized agencies. The Associate Direc-
13 tor of OIOS for Procurement and Contract Integrity
14 shall receive informational leads and testimony from
15 any person regarding allegations of wrongdoing by
16 United Nations officials or regarding inefficiencies
17 associated with United Nations procurement or con-
18 tracting activities. The Associate Director of OIOS
19 for Procurement and Contract Integrity shall be re-
20 sponsible for initiating, conducting, and overseeing
21 investigations of procurement and contract activities.
22 Not later than 12 months after the establishment of
23 the position of Associate Director of OIOS for Pro-
24 curement and Contract Integrity, the Director, with
25 the assistance of the Associate Director of OIOS for



1 Procurement and Contract Integrity, shall undertake
2 a review of contract procedures to ensure that prac-
3 tices and policies are in place to ensure that—

4 (A) the United Nations has ceased issuing
5 single bid contracts except for such contracts
6 issued during an emergency situation that is
7 justified by the Under Secretary General for
8 Management;

9 (B) the United Nations has established ef-
10 fective controls to prevent conflicts of interest
11 in the award of contracts; and

12 (C) the United Nations has established ef-
13 fective procedures and policies to ensure effec-
14 tive and comprehensive oversight and moni-
15 toring of United Nations contract performance.

16 (c) CERTIFICATION OF ESTABLISHMENT OF UNITED
17 NATIONS OFFICE OF ETHICS.—In accordance with sec-
18 tion 1171, a certification shall be required that certifies
19 that the following reforms related to the establishment of
20 a United Nations Office of Ethics have been adopted by
21 the United Nations:

22 (1) A United Nations Office of Ethics (UNOE)
23 is established. The UNOE shall be an independent
24 entity within the United Nations and shall not be
25 subject to budget authority or organizational author-



1 ity of any entity within the United Nations. The
2 UNEO shall be responsible for establishing, man-
3 aging, and enforcing a code of ethics for all employ-
4 ees of United Nations and its specialized agencies.
5 The UNEO shall also be responsible for providing
6 such employees with annual training related to such
7 code. The head of the UNEO shall be a Director
8 who shall be nominated by the Secretary General
9 and who shall be subject to Security Council ap-
10 proval by majority vote. The UNOE shall promul-
11 gate ethics rules, including the following:

12 (A) No employee of any United Nations
13 entity, bureau, division, department, or special-
14 ized agency may be compensated while partici-
15 pating in the domestic politics of the country of
16 such employee, except for voting or acting as
17 part of a Security Council, General Assembly,
18 or legitimately authorized United Nations mis-
19 sion or assignment.

20 (B) No United Nations entity, bureau, di-
21 vision, department, or specialized agency may
22 hire an individual convicted in a generally rec-
23 ognized court of a democratically-elected gov-
24 ernment with an independent judiciary and an
25 extradition treaty with the United States and

1 the European Union for any crime or crimes in-
2 volving financial misfeasance, malfeasance,
3 fraud, or perjury.

4 (C) The employment of an employee of any
5 United Nations entity, bureau, division, depart-
6 ment, or specialized agency who is convicted in
7 a generally recognized court of a democrat-
8 ically-elected government with an independent
9 judiciary and an extradition treaty with the
10 United States and the European Union of any
11 crime or crimes involving financial misfeasance,
12 malfeasance, fraud, or perjury shall be subject
13 to termination.

14 (D) If an employee of any United Nations
15 entity, bureau, division, department, or special-
16 ized agency has contact regarding the disposi-
17 tion of ongoing internal United Nations oper-
18 ations or decisions with an individual who is not
19 an employee or official of the government of a
20 Member State (or a similarly situated indi-
21 vidual), with an individual who is not officially
22 employed by any United Nations entity, bureau,
23 division, department, or specialized agency, or
24 with an individual who is not a working mem-
25 ber of the media, a memorandum of such con-

1 tact shall be prepared by such employee and,
2 upon request, be made available to Member
3 States.

4 (2) The UNEO shall receive operational and
5 budgetary funding through appropriations by the
6 General Assembly from existing levels of United Na-
7 tions budgetary and personnel resources and shall
8 not be dependent upon any other entity, bureau, di-
9 vision, department, or specialized agency of the
10 United Nations for such funding.

11 (3) The Director of the UNEO shall, not later
12 than six months after the date of its establishment,
13 publish a report containing proposals for imple-
14 menting a system for the filing and review of indi-
15 vidual Annual Financial Disclosure Forms by each
16 employee of the United Nations, including by each
17 employee of its specialized agencies, at the P-5 level
18 and above and by all contractors and consultants
19 compensated at any salary level. Such system shall
20 be in place and operational not later than six
21 months after the date of the publication of the re-
22 port. Such completed forms shall be made available
23 to the Office of Internal Oversight Services at the
24 request of the Director of the Office of Internal
25 Oversight Services. Such system shall seek to iden-



1 tify and prevent conflicts of interest by United Na-
2 tions employees and shall be comparable to the sys-
3 tem used for such purposes by the United States
4 Government. Such report shall also address broader
5 reforms of the ethics program for the United Na-
6 tions, including—

7 (A) the effect of the establishment of eth-
8 ics officers throughout all organizations within
9 the United Nations;

10 (B) the effect of retention by the UNEO of
11 Annual Financial Disclosure Forms;

12 (C) proposals for making completed An-
13 nual Financial Disclosure Forms available to
14 the public on request through their Member
15 State's mission to the United Nations;

16 (D) proposals for annual disclosure to the
17 public of information related to the annual sala-
18 ries and payments, including pension payments
19 and buyouts, of employees of the United Na-
20 tions, including employees of its specialized
21 agencies, and of consultants;

22 (E) proposals for annual disclosure to the
23 public of information related to per diem rates
24 for all bureaus, divisions, departments, or spe-
25 cialized agencies within the United Nations;



1 (F) proposals for disclosure upon request
2 by the Ambassador of a Member State of infor-
3 mation related to travel and per diem payments
4 made from United Nations funds to any person;
5 and

6 (G) proposals for annual disclosure to the
7 public of information related to travel and per
8 diem rates and payments made from United
9 Nations funds to any person.

10 (d) CERTIFICATION OF UNITED NATIONS ESTAB-
11 LISHMENT OF POSITION OF CHIEF OPERATING OFFI-
12 CER.—In accordance with section 1171, a certification
13 shall be required that certifies that the following reforms
14 related to the establishment of the position of a Chief Op-
15 erating Officer have been adopted by the United Nations:

16 (1) There is established the position of Chief
17 Operating Officer (COO). The COO shall report to
18 the Secretary General.

19 (2) The COO shall be responsible for formu-
20 lating general policies and programs for the United
21 Nations in coordination with the Secretary General
22 and in consultation with the Security Council and
23 the General Assembly. The COO shall be responsible
24 for the daily administration, operation and super-
25 vision, and the direction and control of the business



1 of the United Nations. The Chief Operating Officer
2 shall also perform such other duties and may exer-
3 cise such other powers as from time to time may be
4 assigned to the COO by the Secretary General.

5 (e) CERTIFICATION OF ACCESS BY MEMBER STATES
6 TO REPORTS AND AUDITS BY BOARD OF EXTERNAL
7 AUDITORS.—In accordance with section 1171, a certifi-
8 cation shall be required that certifies that Member States
9 may, upon request, have access to all reports and audits
10 completed by the Board of External Auditors.

11 (f) WAIVER OF IMMUNITY.—The President shall di-
12 rect the United States Permanent Representative to the
13 United Nations to use the voice, vote, and influence of the
14 United States at the United Nations to ensure that the
15 Secretary General exercises the right and duty of the Sec-
16 retary General under section 20 of the Convention on the
17 Privileges and Immunities of the United Nations to waive
18 the immunity of any United Nations official in any case
19 in which such immunity would impede the course of jus-
20 tice. In exercising such waiver, the Secretary General is
21 urged to interpret the interests of the United Nations as
22 favoring the investigation or prosecution of a United Na-
23 tions official who is credibly under investigation for having
24 committed a serious criminal offense or who is credibly
25 charged with a serious criminal offense.

1 (g) CERTIFICATION OF UNITED NATIONS COOPERA-
2 TION RELATING TO OIL-FOR-FOOD PROGRAM.—

3 (1) ACTIONS.—In accordance with section
4 1171, a certification shall be required that certifies
5 that the following actions relating to the oil-for-food
6 program have been taken by the United Nations:

7 (A) The United Nations Secretary General
8 has authorized the release to a law enforcement
9 authority of any Member State (upon request
10 by the permanent representative to the United
11 Nations of such Member State on behalf of
12 such law enforcement authority) or to a na-
13 tional legislative authority authentic copies of
14 any document in the possession of the United
15 Nations, including any document in the posses-
16 sion of a person who was engaged on a contract
17 basis to provide goods or services to the United
18 Nations, that in the judgment of such request-
19 ing law enforcement authority or national legis-
20 lative authority directly or indirectly concerns
21 the oil-for-food program or a sanction imposed
22 on Iraq related to the oil-for-food program.

23 (B) The United Nations has waived any
24 immunity enjoyed by any United Nations offi-
25 cial from the judicial process in the United



1 States for any civil or criminal acts or omis-
2 sions under Federal or State law that may have
3 transpired within the jurisdiction of the United
4 States in connection with the oil-for-food pro-
5 gram.

6 (2) DEFINITION.—As used in this subsection,
7 the term “oil-for-food program” means the program
8 established and administered pursuant to United
9 Nations Security Council Resolution 986 (April 14,
10 1995) and subsequent United Nations resolutions to
11 permit the sale of petroleum products exported from
12 Iraq and to use the revenue generated from such
13 sale for humanitarian assistance.

14 **SEC. 1115. TERRORISM AND THE UNITED NATIONS.**

15 The President shall direct the United States Perma-
16 nent Representative to the United Nations to use the
17 voice, vote, and influence of the United States at the
18 United Nations to work toward adoption by the General
19 Assembly of—

20 (1) a definition of terrorism that builds upon
21 the recommendations of the Secretary General’s
22 High-Level Panel on Threats, Challenges, and
23 Change, and includes as an essential component of
24 such definition any action that is intended to cause
25 death or serious bodily harm to civilians with the



1 purpose of intimidating a population or compelling a
2 government or an international organization to do,
3 or abstain from doing, any act; and

4 (2) a comprehensive convention on terrorism
5 that includes the definition described in paragraph
6 (1).

7 **SEC. 1116. UNITED NATIONS TREATY BODIES.**

8 The United States shall withhold from United States
9 contributions to the regular assessed budget of the United
10 Nations for a biennial period amounts that are propor-
11 tional to the percentage of such budget that are expended
12 with respect to a United Nations human rights treaty
13 monitoring body or committee that was established by—

14 (1) a convention (without any protocols) or an
15 international covenant (without any protocols) to
16 which the United States is not party; or

17 (2) a convention, with a subsequent protocol, if
18 the United States is a party to neither.

19 **SEC. 1117. EQUALITY AT THE UNITED NATIONS.**

20 (a) **INCLUSION OF ISRAEL IN WEOG.—**

21 (1) **IN GENERAL.**—The President shall direct
22 the United States Permanent Representative to the
23 United Nations to use the voice, vote, and influence
24 of the United States to expand the Western Euro-
25 pean and Others Group (WEOG) in the United Na-



1 tions to include Israel as a permanent member with
2 full rights and privileges.

3 (2) NOTIFICATION TO CONGRESS.—Not later
4 than six months after the date of the enactment of
5 this Act and every six months thereafter for the next
6 six years, the Secretary of State shall notify the ap-
7 propriate congressional committees concerning the
8 treatment of Israel in the United Nations and the
9 expansion of WEOG to include Israel as a perma-
10 nent member.

11 (b) DEPARTMENT OF STATE REVIEW AND RE-
12 PORT.—

13 (1) IN GENERAL.—To avoid duplicative efforts
14 and funding with respect to Palestinian interests
15 and to ensure balance in the approach to Israeli-
16 Palestinian issues, the Secretary shall, not later than
17 60 days after the date of the enactment of this
18 Act—

19 (A) conduct an audit of the functions of
20 the entities listed in paragraph (2); and

21 (B) submit to the appropriate congres-
22 sional committees a report containing rec-
23 ommendations for the elimination of such dupli-
24 cative entities and efforts.



1 (2) ENTITIES.—The entities referred to in
2 paragraph (1) are the following:

3 (A) The United Nations Division for Pales-
4 tinian Rights.

5 (B) The Committee on the Exercise of the
6 Inalienable Rights of the Palestinian People.

7 (C) The United Nations Special Coordi-
8 nator for the Middle East Peace Process and
9 Personal Representative to the Palestine Lib-
10 eration Organization and the Palestinian Au-
11 thority.

12 (D) The NGO Network on the Question of
13 Palestine.

14 (E) The Special Committee to Investigate
15 Israeli Practices Affecting the Human Rights of
16 the Palestinian People and Other Arabs of the
17 Occupied Territories.

18 (F) Any other entity the Secretary deter-
19 mines results in duplicative efforts or funding
20 or fails to ensure balance in the approach to
21 Israeli-Palestinian issues.

22 (c) IMPLEMENTATION BY PERMANENT REPRESENTA-
23 TIVE.—

24 (1) IN GENERAL.—The President shall direct
25 the United States Permanent Representative to the



1 United Nations to use the voice, vote, and influence
2 of the United States at the United Nations to seek
3 the implementation of the recommendations con-
4 tained in the report required under subsection
5 (b)(1).

6 (2) WITHHOLDING OF FUNDS.—Until such rec-
7 ommendations have been implemented, the United
8 States shall withhold from United States contribu-
9 tions to the regular assessed budget of the United
10 Nations for a biennial period amounts that are pro-
11 portional to the percentage of such budget that are
12 expended for such entities.

13 (d) GAO AUDIT.—The Comptroller General of the
14 United States of the Government Accountability Office
15 shall conduct an audit of—

16 (1) the status of the implementation of the rec-
17 ommendations contained in the report required
18 under subsection (b)(1); and

19 (2) United States actions and achievements
20 under subsection (c).

21 **SEC. 1118. REPORT ON UNITED NATIONS REFORM.**

22 (a) IN GENERAL.—Not later than 180 days after the
23 date of the enactment of this Act, and one year thereafter,
24 the Secretary shall submit to the appropriate congres-

1 sional committees a report on United Nations reform since
2 1990.

3 (b) CONTENTS.—The report required under para-
4 graph (1) shall describe—

5 (1) the status of the implementation of manage-
6 ment reforms within the United Nations and its spe-
7 cialized agencies;

8 (2) the number of outputs, reports, or other
9 items generated by General Assembly resolutions
10 that have been eliminated;

11 (3) the progress of the General Assembly to
12 modernize and streamline the committee structure
13 and its specific recommendations on oversight and
14 committee outputs, consistent with the March 2005
15 report of the Secretary General entitled “In larger
16 freedom: towards development, security and human
17 rights for all”;

18 (4) the status of the review by the General As-
19 sembly of all mandates older than five years and
20 how resources have been redirected to new chal-
21 lenges, consistent with such March 2005 report of
22 the Secretary General;

23 (5) the continued utility and relevance of the
24 Economic and Financial Committee and the Social,
25 Humanitarian, and Cultural Committee, in light of



1 the duplicative agendas of those committees and the
2 Economic and Social Council; and

3 (6) whether the United Nations or any of its
4 specialized agencies has contracted with any party
5 included on the Lists of Parties Excluded from Fed-
6 eral Procurement and Nonprocurement Programs.

7 **SEC. 1119. REPORT ON UNITED NATIONS PERSONNEL.**

8 (a) **IN GENERAL.**—Not later than one year after the
9 date of the enactment of this Act, the Secretary of State
10 shall submit to the appropriate congressional committees
11 a report—

12 (1) concerning the progress of the General As-
13 sembly to modernize human resource practices, con-
14 sistent with the March 2005 report of the Secretary
15 General entitled “In larger freedom: towards devel-
16 opment, security and human rights for all”; and

17 (2) containing the information described in sub-
18 section (b).

19 (b) **CONTENTS.**—The report shall include—

20 (1) a comprehensive evaluation of human re-
21 sources reforms at the United Nations, including an
22 evaluation of—

23 (A) tenure;

24 (B) performance reviews;

25 (C) the promotion system;



1 (D) a merit-based hiring system and en-
2 hanced regulations concerning termination of
3 employment of employees; and

4 (E) the implementation of a code of con-
5 duct and ethics training;

6 (2) the implementation of a system of proce-
7 dures for filing complaints and protective measures
8 for work-place harassment, including sexual harass-
9 ment;

10 (3) policy recommendations relating to the es-
11 tablishment of a rotation requirement for non-
12 administrative positions;

13 (4) policy recommendations relating to the es-
14 tablishment of a prohibition preventing personnel
15 and officials assigned to the mission of a Member
16 State to the United Nations from transferring to a
17 position within the United Nations Secretariat that
18 is compensated at the P-5 level and above;

19 (5) policy recommendations relating to a reduc-
20 tion in travel allowances and attendant oversight
21 with respect to accommodations and airline flights;
22 and

23 (6) an evaluation of the recommendations of the
24 Secretary General relating to greater flexibility for



1 the Secretary General in staffing decisions to accom-
2 modate changing priorities.

3 **SEC. 1120. REPORT ON UNITED STATES CONTRIBUTIONS TO**
4 **THE UNITED NATIONS.**

5 Not later than one year after the date of the enact-
6 ment of this Act, the Director of the Office of Manage-
7 ment and Budget shall submit to the Committee on Inter-
8 national Relations of the House of Representatives, the
9 Committee on Foreign Relations of the Senate, the Com-
10 mittee on Appropriations of the House of Representatives,
11 and the Committee on Appropriations of the Senate a re-
12 port on United States contributions to the United Nations.
13 Such report shall examine assessed, voluntary, in-kind,
14 and all other United States contributions.

15 **SEC. 1121. UNITED NATIONS SECURITY COUNCIL AND LEB-**
16 **ANON.**

17 (a) **RESOLUTION 1559.**—The President shall direct
18 the United States Permanent Representative to the
19 United Nations to use the voice, vote, and influence of the
20 United States at the United Nations to make every effort
21 to ensure that the Security Council is undertaking the nec-
22 essary steps to secure the implementation of Security
23 Council Resolution 1559, including—

24 (1) deploying United Nations inspectors to ver-
25 ify and certify to the Security Council that—



1 (A) all foreign forces, including intel-
2 ligence, security, and policing forces, have been
3 withdrawn from Lebanon; and

4 (B) all militias in Lebanon have been per-
5 manently disarmed and dismantled and their
6 weapons have been decommissioned; and

7 (2) continuing the presence of United Nations
8 elections monitoring teams in Lebanon to verify and
9 certify to the Security Council that—

10 (A) citizens of Lebanon are not being tar-
11 geted for assassination by foreign forces, in
12 particular by foreign forces of Syria, or by their
13 proxies, as a means of intimidation and coer-
14 cion in an effort to manipulate the political
15 process in Lebanon;

16 (B) elections in Lebanon are being con-
17 ducted in a fair and transparent manner and
18 are free of foreign interference; and

19 (C) that such foreign forces, or their prox-
20 ies, are not seeking to infringe upon the terri-
21 torial integrity or political sovereignty of Leb-
22 anon.

23 (b) UNITED STATES ACTION.—If the steps described
24 in paragraphs (1) and (2) of subsection (a) have not been
25 verified and certified to the Security Council by July 31,

1 2005, or by the date that is not later than 30 days after
2 the date of the enactment of this Act, whichever is sooner,
3 the President shall direct the United States Permanent
4 Representative to the United Nations to use the voice,
5 vote, and influence of the United States at the United Na-
6 tions to secure the adoption of a resolution in the Security
7 Council imposing punitive measures on the governments
8 of countries whose forces remain in Lebanon in violation
9 of Security Council Resolution 1559 and who directly, or
10 through proxies, are infringing upon the territorial integ-
11 rity or political sovereignty of Lebanon.

12 **SEC. 1122. POLICY WITH RESPECT TO EXPANSION OF THE**
13 **SECURITY COUNCIL.**

14 It shall be the policy of the United States to use the
15 voice, vote, and influence of the United States at the
16 United Nations to oppose any proposals on expansion of
17 the Security Council if such expansion would—

- 18 (1) diminish the influence of the United States
19 on the Security Council;
- 20 (2) include veto rights for any new members of
21 the Security Council; or
- 22 (3) undermine the effectiveness of the Security
23 Council.



1 SEC. 1123. GENOCIDE AND THE UNITED NATIONS.

2 (a) UNITED STATES ACTION.—The President shall
3 direct the United States Permanent Representative to the
4 United Nations to use the voice, vote, and influence of the
5 United States at the United Nations to make every effort
6 to ensure the formal adoption and implementation of
7 mechanisms to—

8 (1) suspend the membership of a Member State
9 if it is determined that the government of such
10 Member State is engaged in or complicit in, either
11 by commission or omission, acts of genocide, ethnic
12 cleansing, or crimes against humanity;

13 (2) impose an arms and trade embargo and
14 travel restrictions on, and freeze the assets of, all
15 groups and individuals responsible for committing or
16 allowing such acts of genocide, ethnic cleansing, or
17 crimes against humanity to occur;

18 (3) deploy a United Nations peacekeeping oper-
19 ation or authorize and support the deployment of a
20 peacekeeping operation from an international or re-
21 gional organization to the Member State with a
22 mandate to stop such acts of genocide, ethnic cleans-
23 ing, or crimes against humanity;

24 (4) deploy monitors from the United Nations
25 High Commissioner for Refugees to the area in the
26 Member State where such acts of genocide, ethnic



1 cleansing, or crimes against humanity are occurring;
2 and

3 (5) authorize the establishment of an inter-
4 national commission of inquiry into such acts of
5 genocide, ethnic cleansing, or crimes against human-
6 ity.

7 (b) CERTIFICATION.—In accordance with section
8 1171, a certification shall be required that certifies that
9 the mechanisms described in subsection (a) have been
10 adopted and implemented.

11 **SEC. 1124. ANTI-SEMITISM AND THE UNITED NATIONS.**

12 (a) IN GENERAL.—The President shall direct the
13 United States Permanent Representative to the United
14 Nations to use the voice, vote, and influence of the United
15 States at the United Nations to make every effort to—

16 (1) ensure the issuance and implementation of
17 a directive by the Secretary General or the Secre-
18 tariat, as appropriate, that—

19 (A) requires all employees of the United
20 Nations and its specialized agencies to officially
21 and publicly condemn anti-Semitic statements
22 made at any session of the United Nations or
23 its specialized agencies, or at any other session
24 sponsored by the United Nations;



1 (B) requires employees of the United Na-
2 tions and its specialized agencies to be subject
3 to punitive action, including immediate dis-
4 missal, for making anti-Semitic statements or
5 references;

6 (C) proposes specific recommendations to
7 the General Assembly for the establishment of
8 mechanisms to hold accountable employees and
9 officials of the United Nations and its special-
10 ized agencies, or Member States, that make
11 such anti-Semitic statements or references in
12 any forum of the United Nations or of its spe-
13 cialized agencies; and

14 (D) develops and implements education
15 awareness programs about the Holocaust and
16 anti-Semitism throughout the world, as part of
17 an effort to combat intolerance and hatred;

18 (2) work to secure the adoption of a resolution
19 by the General Assembly that establishes the mecha-
20 nisms described in paragraph (1)(C); and

21 (3) continue working toward further reduction
22 of anti-Semitic language and anti-Israel resolutions
23 in the United Nations and its specialized agencies.

24 (b) CERTIFICATION.—In accordance with section
25 1171, a certification shall be required that certifies that

1 the requirements described in subsection (a) have been
2 satisfied.

3 **Subtitle B—Human Rights and the**
4 **Economic and Social Council**
5 **(ECOSOC)**

6 **SEC. 1131. HUMAN RIGHTS.**

7 (a) **STATEMENT OF POLICY.**—It shall be the policy
8 of the United States to use its voice, vote, and influence
9 at the United Nations to ensure that a credible and re-
10 spectable Human Rights Council or other human rights
11 body is established within the United Nations whose par-
12 ticipating Member States uphold the values embodied in
13 the Universal Declaration of Human Rights.

14 (b) **HUMAN RIGHTS REFORMS AT THE UNITED NA-**
15 **TIONS.**—The President shall direct the United States Per-
16 manent Representative to the United Nations to ensure
17 that the following human rights reforms have been adopt-
18 ed by the United Nations:

19 (1) A Member State that fails to uphold the
20 values embodied in the Universal Declaration of
21 Human Rights shall be ineligible for membership on
22 any United Nations human rights body.

23 (2) A Member State shall be ineligible for mem-
24 bership on any United Nations human rights body
25 if such Member State is—



1 (A) subject to sanctions by the Security
2 Council; or

3 (B) under a Security Council-mandated in-
4 vestigation for human rights abuses.

5 (3) A Member State that is currently subject to
6 an adopted country specific resolution, in the prin-
7 cipal body in the United Nations for the promotion
8 and protection of human rights, relating to human
9 rights abuses perpetrated by the government of such
10 country in such country, or has been the subject of
11 such an adopted country specific resolution in such
12 principal body within the previous three years, shall
13 be ineligible for membership on any United Nations
14 human rights body. For purposes of this subsection,
15 an adopted country specific resolution shall not in-
16 clude consensus resolutions on advisory services.

17 (4) A Member State that violates the principles
18 of a United Nations human rights body to which it
19 aspires to join shall be ineligible for membership on
20 such body.

21 (5) No human rights body has a standing agen-
22 da item that relates only to one country or region.

23 (6) The practice of considering in the principal
24 body in the United Nations for the promotion and
25 protection of human rights country specific resolu-



1 tions relating to human rights abuses perpetrated by
2 the government of a Member State within such
3 Member State shall not be eliminated.

4 (c) CERTIFICATION.—In accordance with section
5 1171, a certification shall be required that certifies that
6 the human rights reforms described under subsection (b)
7 have been adopted by the United Nations.

8 (d) PREVENTION OF ABUSE OF “NO ACTION” MO-
9 TIONS.—The United States Permanent Representative
10 shall work to prevent abuse of “no action” motions, par-
11 ticularly as such motions relate to country specific resolu-
12 tions.

13 (e) OFFICE OF THE UNITED NATIONS HIGH COMMIS-
14 SIONER FOR HUMAN RIGHTS.—

15 (1) STATEMENT OF POLICY.—It shall be the
16 policy of the United States to continue to strongly
17 support the Office of the United Nations High Com-
18 missioner for Human Rights.

19 (2) CERTIFICATION.—In accordance with sec-
20 tion 1171, a certification shall be required that cer-
21 tifies that the Office of the United Nations High
22 Commissioner for Human Rights has been given
23 greater authority in field operation activities, such
24 as in the Darfur region of Sudan and in the Demo-



1 cratic Republic of Congo, in furtherance of the pur-
2 pose and mission of the United Nations.

3 (f) PROHIBITION ON CONTACT WITH MEMBER
4 STATES SUBJECT TO SANCTIONS.—An employee from of
5 any United Nations entity, bureau, division, department,
6 or specialized agency may not have unauthorized contact,
7 including business contact, with a Member State that is
8 subject to United Nations sanctions.

9 **SEC. 1132. ECONOMIC AND SOCIAL COUNCIL (ECOSOC).**

10 (a) STATEMENT OF POLICY.—It shall be the policy
11 of the United States to use its voice, vote, and influence
12 at the United Nations to—

13 (1) abolish secret voting in the Economic and
14 Social Council (ECOSOC);

15 (2) ensure that, until such time as the Commis-
16 sion on Human Rights of the United Nations is
17 abolished, only countries that are not ineligible for
18 membership on a human rights body in accordance
19 with paragraphs (1) through (4) of section 1131(b)
20 shall be considered for membership on the Commis-
21 sion on Human Rights; and

22 (3) ensure that after candidate countries are
23 nominated for membership on the Commission on
24 Human Rights, the Economic and Social Council



1 conducts a recorded vote to determine such member-
2 ship.

3 (b) CERTIFICATION.—In accordance with section
4 1171, a certification shall be required that certifies that
5 the policies described in subsection (a) have been imple-
6 mented by the Economic and Social Council.

7 **SEC. 1133. UNITED NATIONS DEMOCRACY FUND.**

8 (a) IN GENERAL.—The President shall direct the
9 United States Permanent Representative to the United
10 Nations to use the voice, vote, and influence of the United
11 States at the United Nations to make every effort to—

12 (1) establish a Democracy Fund at the United
13 Nations to be administered by Member States of the
14 United Nations Democracy Caucus;

15 (2) secure political and financial support for the
16 Democracy Fund from Member States of the United
17 Nations Democracy Caucus; and

18 (3) establish criteria that limits recipients of as-
19 sistance from the Democracy Fund to Member
20 States that—

21 (A) are not ineligible for membership on
22 any United Nations human rights body, in ac-
23 cordance with paragraphs (1) through (4) of
24 section 1131(b); and



1 (B) are determined by the Secretary of
2 State to be emerging democracies or democ-
3 racies in transition.

4 (b) POLICY RELATING TO FUNDING FOR THE DE-
5 MOCRACY FUND.—It shall be the policy of the United
6 States to shift contributions of the United States to the
7 regularly assessed budget of the United Nations for a bi-
8 ennial period to initiate and support the Democracy Fund
9 referred to in subsection (a).

10 (c) CERTIFICATION.—In accordance with section
11 1171, a certification shall be required that certifies that
12 the requirements described in subsection (a) have been
13 satisfied.

14 **Subtitle C—International Atomic** 15 **Energy Agency**

16 **SEC. 1141. INTERNATIONAL ATOMIC ENERGY AGENCY.**

17 (a) ENFORCEMENT AND COMPLIANCE.—

18 (1) OFFICE OF COMPLIANCE.—

19 (A) ESTABLISHMENT.—The President
20 shall direct the United States Permanent Rep-
21 resentative to International Atomic Energy
22 Agency (IAEA) to use the voice, vote, and influ-
23 ence of the United States at the IAEA to estab-
24 lish an Office of Compliance in the Secretariat
25 of the IAEA.



1 (B) OPERATION.—The Office of Compli-
2 ance shall—

3 (i) function as an independent body
4 composed of technical experts who shall
5 work in consultation with IAEA inspectors
6 to assess compliance by IAEA Member
7 States and provide recommendations to the
8 IAEA Board of Governors concerning pen-
9 alties to be imposed on IAEA Member
10 States that fail to fulfill their obligations
11 under IAEA Board resolutions;

12 (ii) base its assessments and rec-
13 ommendations on IAEA inspection reports;
14 and

15 (iii) shall take into consideration in-
16 formation provided by IAEA Board Mem-
17 bers that are one of the five nuclear weap-
18 ons states as recognized by the Treaty on
19 the Non-Proliferation of Nuclear Weapons
20 (21 UST 483) (commonly referred to as
21 the “Nuclear Nonproliferation Treaty” or
22 the “NPT”).

23 (C) STAFFING.—The Office of Compliance
24 shall be staffed from existing personnel in the
25 Department of Safeguards of the IAEA or the



1 Department of Nuclear Safety and Security of
2 the IAEA.

3 (2) SPECIAL COMMITTEE ON SAFEGUARDS AND
4 VERIFICATION.—

5 (A) ESTABLISHMENT.—The President
6 shall direct the United States Permanent Rep-
7 resentative to the IAEA to use the voice, vote,
8 and influence of the United States at the IAEA
9 to establish a Special Committee on Safeguards
10 and Verification.

11 (B) RESPONSIBILITIES.—The Special
12 Committee shall—

13 (i) improve the ability of the IAEA to
14 monitor and enforce compliance by Mem-
15 ber States of the IAEA with the Nuclear
16 Nonproliferation Treaty and the Statute of
17 the International Atomic Energy Agency;
18 and

19 (ii) consider which additional meas-
20 ures are necessary to enhance the ability of
21 the IAEA, beyond the verification mecha-
22 nisms and authorities contained in the Ad-
23 ditional Protocol to the Safeguards Agree-
24 ments between the IAEA and Member
25 States of the IAEA, to detect with a high



1 degree of confidence undeclared nuclear ac-
2 tivities by a Member State.

3 (3) PENALTIES WITH RESPECT TO THE IAEA.—

4 (A) IN GENERAL.—The President shall di-
5 rect the United States Permanent Representa-
6 tive to the IAEA to use the voice, vote, and in-
7 fluence of the United States at the IAEA to en-
8 sure that a Member State of the IAEA that is
9 under investigation for a breach of or non-
10 compliance with its IAEA obligations or the
11 purposes and principles of the Charter of the
12 United Nations has its privileges suspended,
13 including—

14 (i) limiting its ability to vote on its
15 case;

16 (ii) being prevented from receiving
17 any technical assistance; and

18 (iii) being prevented from hosting
19 meetings.

20 (B) TERMINATION OF PENALTIES.—The
21 penalties specified under subparagraph (A)
22 shall be terminated when such investigation is
23 concluded and such Member State is no longer
24 in such breach or noncompliance.



1 (4) PENALTIES WITH RESPECT TO THE NU-
2 CLEAR NONPROLIFERATION TREATY.—The Presi-
3 dent shall direct the United States Permanent Rep-
4 resentative to the IAEA to use the voice, vote, and
5 influence of the United States at the IAEA to en-
6 sure that a Member State of the IAEA that is found
7 to be in breach of, in noncompliance with, or has
8 withdrawn from the Nuclear Nonproliferation Treaty
9 shall return to the IAEA all nuclear materials and
10 technology received from the IAEA, any Member
11 State of the IAEA, or any Member State of the Nu-
12 clear Nonproliferation Treaty.

13 (b) UNITED STATES CONTRIBUTIONS.—

14 (1) VOLUNTARY CONTRIBUTIONS.—Voluntary
15 contributions of the United States to the IAEA
16 should primarily be used to fund activities relating
17 to Nuclear Safety and Security or activities relating
18 to Nuclear Verification.

19 (2) LIMITATION ON USE OF FUNDS.—The
20 President shall direct the United States Permanent
21 Representative to the IAEA to use the voice, vote,
22 and influence of the United States at the IAEA to—

23 (A) ensure that funds for safeguards in-
24 spections are prioritized for countries that have



1 newly established nuclear programs or are initi-
2 ating nuclear programs; and

3 (B) block the allocation of funds for any
4 other IAEA development, environmental, or nu-
5 clear science assistance or activity to a
6 country—

7 (i) the government of which the Sec-
8 retary of State has determined, for pur-
9 poses of section 6(j) of the Export Admin-
10 istration Act of 1979, section 620A of the
11 Foreign Assistance Act of 1961, section 40
12 of the Arms Export Control Act, or other
13 provision of law, is a government that has
14 repeatedly provided support for acts of
15 international terrorism and the government
16 of which the Secretary has determined has
17 not dismantled and surrendered its weap-
18 ons of mass destruction programs under
19 international verification;

20 (ii) that is under investigation for a
21 breach of or noncompliance with its IAEA
22 obligations or the purposes and principles
23 of the Charter of the United Nations; or



1 (iii) that is in violation of its IAEA
2 obligations or the purposes and principles
3 of the Charter of the United Nations.

4 (3) DETAIL OF EXPENDITURES.—The Presi-
5 dent shall direct the United States Permanent Rep-
6 resentative to the IAEA to use the voice, vote, and
7 influence of the United States at the IAEA to se-
8 cure, as part of the regular budget presentation of
9 the IAEA to Member States of the IAEA, a detailed
10 breakdown by country of expenditures of the IAEA
11 for safeguards inspections and nuclear security ac-
12 tivities.

13 (c) MEMBERSHIP.—

14 (1) IN GENERAL.—The President shall direct
15 the United States Permanent Representative to the
16 IAEA to use the voice, vote, and influence of the
17 United States at the IAEA to block the membership
18 on the Board of Governors of the IAEA for a Mem-
19 ber State of the IAEA that has not signed and rati-
20 fied the Additional Protocol and—

21 (A) is under investigation for a breach of
22 or noncompliance with its IAEA obligations or
23 the purposes and principles of the Charter of
24 the United Nations; or



1 (B) that is in violation of its IAEA obliga-
2 tions or the purposes and principles of the
3 Charter of the United Nations.

4 (2) CRITERIA.—The United States Permanent
5 Representative to the IAEA shall make every effort
6 to modify the criteria for Board membership to re-
7 flect the principles described in paragraph (1).

8 (d) SMALL QUANTITIES PROTOCOL.—The President
9 shall direct the United States Permanent Representative
10 to the IAEA to use the voice, vote, and influence of the
11 United States at the IAEA to make every effort to ensure
12 that the IAEA changes the policy regarding the Small
13 Quantities Protocol in order to—

14 (1) rescind and eliminate the Small Quantities
15 Protocol;

16 (2) require that any IAEA Member State that
17 has previously signed a Small Quantities Protocol to
18 sign, ratify, and implement the Additional Protocol,
19 provide immediate access for IAEA inspectors to its
20 nuclear-related facilities, and agree to the strongest
21 inspections regime of its nuclear efforts; and

22 (3) require that any IAEA Member State that
23 does not comply with paragraph (2) to be ineligible
24 to receive nuclear material, technology, equipment,
25 or assistance from any IAEA Member State and



1 subject to the penalties described in subsection
2 (a)(3).

3 (e) NUCLEAR PROGRAM OF IRAN.—

4 (1) UNITED STATES ACTION.—The President
5 shall direct the United States Permanent Represent-
6 ative to the IAEA to use the voice, vote, and influ-
7 ence of the United States at the IAEA to make
8 every effort to ensure the adoption of a resolution by
9 the IAEA Board of Governors that makes Iran ineli-
10 gible to receive any nuclear material, technology,
11 equipment, or assistance from any IAEA Member
12 State and ineligible for any IAEA assistance not re-
13 lated to safeguards inspections or nuclear security
14 until the IAEA Board of Governors determines that
15 Iran—

16 (A) is providing full access to IAEA in-
17 spectors to its nuclear-related facilities;

18 (B) has fully implemented and is in com-
19 pliance with the Additional Protocol; and

20 (C) has permanently ceased and disman-
21 tled all activities and programs related to nu-
22 clear-enrichment and reprocessing.

23 (2) PENALTIES.—If an IAEA Member State is
24 determined to have violated the prohibition on as-
25 sistance to Iran described in paragraph (1) before

1 the IAEA Board of Governors determines that Iran
2 has satisfied the conditions described in subpara-
3 graphs (A) through (C) of such paragraph, such
4 Member State shall be subject to the penalties de-
5 scribed in subsection (a)(3), shall be ineligible to re-
6 ceive nuclear material, technology, equipment, or as-
7 sistance from any IAEA Member State, and shall be
8 ineligible to receive any IAEA assistance not related
9 to safeguards inspections or nuclear security until
10 such time as the IAEA Board of Governors makes
11 such determination with respect to Iran.

12 (f) REPORT.—Not later than six months after the
13 date of the enactment of this Act and annually for two
14 years thereafter, the President shall submit to the appro-
15 priate congressional committees a report on the implemen-
16 tation of this section.

17 **SEC. 1142. SENSE OF CONGRESS REGARDING THE NUCLEAR**
18 **SECURITY ACTION PLAN OF THE IAEA.**

19 It is the sense of Congress that the national security
20 interests of the United States are enhanced by the Nuclear
21 Security Action Plan of the IAEA and the Board of Gov-
22 ernors should recommend, and the General Conference
23 should adopt, a resolution incorporating the Nuclear Secu-
24 rity Action Plan into the regular budget of the IAEA.

1 **Subtitle D—Peacekeeping**

2 SEC. 1151. SENSE OF CONGRESS REGARDING REFORM OF
3 UNITED NATIONS PEACEKEEPING OPER-
4 ATIONS.

5 It is the sense of Congress that—

6 (1) although United Nations peacekeeping oper-
7 ations have contributed greatly toward the pro-
8 motion of peace and stability for the past 57 years
9 and the majority of peacekeeping personnel who
10 have served under the United Nations flag have
11 done so with honor and courage, the record of
12 United Nations peacekeeping has been severely tar-
13 nished by operational failures and unconscionable
14 acts of misconduct; and

15 (2) if the reputation of and confidence in
16 United Nations peacekeeping operations is to be re-
17 stored, fundamental and far-reaching reforms, par-
18 ticularly in the areas of planning, management,
19 training, conduct, and discipline, must be imple-
20 mented without delay.



1 SEC. 1152. STATEMENT OF POLICY RELATING TO REFORM
2 OF UNITED NATIONS PEACEKEEPING OPER-
3 ATIONS.

4 It shall be the policy of the United States to pursue
5 reform of United Nations peacekeeping operations in the
6 following areas:

7 (1) PLANNING AND MANAGEMENT.—

8 (A) GLOBAL AUDIT.—As the size, cost,
9 and number of United Nations peacekeeping
10 operations have increased substantially over the
11 past decade, an independent audit of each such
12 operation, with a view toward “right-sizing” op-
13 erations and ensuring that such operations are
14 cost effective, should be conducted and its find-
15 ings reported to the Security Council.

16 (B) REVIEW OF MANDATES AND CLOSING
17 OPERATIONS.—In conjunction with the audit
18 described in subparagraph (A), the United Na-
19 tions Department of Peacekeeping Operations
20 should conduct a comprehensive review of all
21 United Nations peacekeeping operation man-
22 dates, with a view toward identifying objectives
23 that are practical and achievable, and report its
24 findings to the Security Council. In particular,
25 the review should consider the following:

1 (i) Activities that fall beyond the
2 scope of traditional peacekeeping activities
3 should be delegated to a new Peacebuilding
4 Commission, described in paragraph (3).

5 (ii) Long-standing operations that are
6 static and cannot fulfill their mandate
7 should be downsized or closed.

8 (iii) Where there is legitimate concern
9 that the withdrawal from a country of an
10 otherwise static United Nations peace-
11 keeping operation would result in the re-
12 sumption of major conflict, a burden-shar-
13 ing arrangement that reduces the level of
14 assessed contributions, similar to that cur-
15 rently supporting the United Nations
16 Peacekeeping Force in Cyprus, should be
17 explored and instituted.

18 (C) LEADERSHIP.—As peacekeeping oper-
19 ations become larger and increasingly complex,
20 the Secretariat should adopt a minimum stand-
21 ard of qualifications for senior leaders and
22 managers, with particular emphasis on specific
23 skills and experience, and current senior leaders
24 and managers who do not meet those standards
25 should be removed or reassigned.

1 (D) PRE-DEPLOYMENT TRAINING.—Pre-
2 deployment training on interpretation of the
3 mandate of the operation, specifically in the
4 areas of use of force, civilian protection and
5 field conditions, the Code of Conduct, HIV/
6 AIDS, and human rights should be mandatory,
7 and all personnel, regardless of category or
8 rank, should be required to sign an oath that
9 each has received and understands such train-
10 ing as a condition of participation in the oper-
11 ation.

12 (E) GRATIS MILITARY PERSONNEL.—The
13 General Assembly should lift restrictions on the
14 utilization at the headquarters in New York,
15 the United States, of the Department of Peace-
16 keeping Operations of gratis military personnel
17 by the Department so that the Department may
18 accept secondments from Member States of
19 military personnel with expertise in mission
20 planning, logistics, and other operational spe-
21 cialties.

22 (2) CONDUCT AND DISCIPLINE.—

23 (A) ADOPTION OF A UNIFORM CODE OF
24 CONDUCT.—A single, uniform Code of Conduct
25 that has the status of a binding rule and ap-

1 plies equally to all personnel serving in United
2 Nations peacekeeping operations, regardless of
3 category or rank, should be promulgated, adopt-
4 ed, and enforced.

5 (B) UNDERSTANDING THE CODE OF CON-
6 DUCT.—All personnel, regardless of category or
7 rank, should receive training on the Code of
8 Conduct prior to deployment with a peace-
9 keeping operation, in addition to periodic fol-
10 low-on training. In particular—

11 (i) all personnel, regardless of cat-
12 egory or rank, should be provided with a
13 personal copy of the Code of Conduct that
14 has been translated into the national lan-
15 guage of such personnel, regardless of
16 whether such language is an official lan-
17 guage of the United Nations;

18 (ii) all personnel, regardless of cat-
19 egory or rank, should sign an oath that
20 each has received a copy of the Code of
21 Conduct, that each pledges to abide by the
22 Code of Conduct, and that each under-
23 stands the consequences of violating the
24 Code of Conduct, including immediate ter-
25 mination of the participation of such per-



1 sonnel in the peacekeeping operation to
2 which such personnel is assigned as a con-
3 dition of appointment to such operation;
4 and

5 (iii) peacekeeping operations should
6 conduct educational outreach programs to
7 reach local communities where peace-
8 keeping personnel of such operations are
9 based, including explaining prohibited acts
10 on the part of United Nations peace-
11 keeping personnel and identifying the indi-
12 vidual to whom the local population may
13 direct complaints or file allegations of ex-
14 ploitation, abuse, or other acts of mis-
15 conduct.

16 (C) MONITORING MECHANISMS.—Dedi-
17 cated monitoring mechanisms, such as the Per-
18 sonnel Conduct Units already deployed to sup-
19 port United Nations peacekeeping operations in
20 Haiti, Liberia, Burundi, and the Democratic
21 Republic of Congo, should be present in each
22 operation to monitor compliance with the Code
23 of Conduct, and—

24 (i) should report simultaneously to the
25 Head of Mission, the United Nations De-



1 partment of Peacekeeping Operations, and
2 the Associate Director of OIOS for Peace-
3 keeping Operations (established under sec-
4 tion 1114(b)(9)); and

5 (ii) should be tasked with designing
6 and implementing mission-specific meas-
7 ures to prevent misconduct, conduct follow-
8 on training for personnel, coordinate com-
9 munity outreach programs, and assist in
10 investigations, as OIOS determines nec-
11 essary and appropriate.

12 (D) INVESTIGATIONS.—A permanent, pro-
13 fessional, and independent investigative body
14 should be established and introduced into
15 United Nations peacekeeping operations. In
16 particular—

17 (i) the investigative body should in-
18 clude professionals with experience in in-
19 vestigating sex crimes, as well as experts
20 who can provide guidance on standards of
21 proof and evidentiary requirements nec-
22 essary for any subsequent legal action;

23 (ii) provisions should be included in a
24 Model Memorandum of Understanding
25 that obligate Member States that con-

1 tribute troops to a peacekeeping operation
2 to designate a military prosecutor who will
3 participate in any investigation into an al-
4 legation of misconduct brought against an
5 individual of such Member State, so that
6 evidence is collected and preserved in a
7 manner consistent with the military law of
8 such Member State;

9 (iii) the investigative body should be
10 regionally based to ensure rapid deploy-
11 ment and should be equipped with modern
12 forensics equipment for the purpose of
13 positively identifying perpetrators and,
14 where necessary, for determining paternity;
15 and

16 (iv) the investigative body should re-
17 port directly to the Associate Director of
18 OIOS for Peacekeeping Operations, while
19 providing copies of any reports to the De-
20 partment of Peacekeeping Operations, the
21 Head of Mission, and the Member State
22 concerned.

23 (E) FOLLOW-UP.—A dedicated unit, simi-
24 lar to the Personnel Conduct Units, staffed and
25 funded through existing resources, should be es-

1 tablished within the headquarters of the United
2 Nations Department of Peacekeeping Oper-
3 ations and tasked with—

4 (i) promulgating measures to prevent
5 misconduct;

6 (ii) coordinating allegations of mis-
7 conduct, and reports received by field per-
8 sonnel; and

9 (iii) gathering follow-up information
10 on completed investigations, particularly by
11 focusing on disciplinary actions against the
12 individual concerned taken by the United
13 Nations or by the Member State that is
14 contributing troops to which such indi-
15 vidual belongs, and sharing such informa-
16 tion with the Security Council, the Head of
17 Mission, and the community hosting the
18 peacekeeping operation.

19 (F) FINANCIAL LIABILITY AND VICTIMS
20 ASSISTANCE.—Although peacekeeping oper-
21 ations should provide immediate medical assist-
22 ance to victims of sexual abuse or exploitation,
23 the responsibility for providing longer-term
24 treatment, care, or restitution lies solely with
25 the individual found guilty of the misconduct.

1 In particular, the following reforms should be
2 implemented:

3 (i) The United Nations should not as-
4 sume responsibility for providing long-term
5 treatment or compensation by creating a
6 "Victims Trust Fund", or any other such
7 similar fund, financed through assessed
8 contributions to United Nations peace-
9 keeping operations, thereby shielding indi-
10 viduals from personal liability and rein-
11 forcing an atmosphere of impunity.

12 (ii) If an individual responsible for
13 misconduct has been repatriated, reas-
14 signed, redeployed, or is otherwise unable
15 to provide assistance, responsibility for
16 providing assistance to a victim should be
17 assigned to the Member State that contrib-
18 uted the troops to which such individual
19 belonged or to the manager concerned.

20 (iii) In the case of misconduct by a
21 member of a military contingent, appro-
22 priate funds shall be withheld from the
23 troop contributing country concerned.

24 (iv) In the case of misconduct by a ci-
25 vilian employee or contractor of the United



1 Nations, appropriate wages shall be gar-
2 nished from such individual or fines shall
3 be imposed against such individual, con-
4 sistent with existing United Nations Staff
5 Rules.

6 (G) MANAGERS AND COMMANDERS.—The
7 manner in which managers and commanders
8 handle cases of misconduct by those serving
9 under them should be included in their indi-
10 vidual performance evaluations, so that man-
11 agers and commanders who take decisive action
12 to deter and address misconduct are rewarded,
13 while those who create a permissive environ-
14 ment or impede investigations are penalized or
15 relieved of duty, as appropriate.

16 (H) DATA BASE.—A centralized data base
17 should be created and maintained within the
18 United Nations Department of Peacekeeping
19 Operations to track cases of misconduct, includ-
20 ing the outcome of investigations and subse-
21 quent prosecutions, to ensure that personnel
22 who have engaged in misconduct or other crimi-
23 nal activities, regardless of category or rank,
24 are permanently barred from participation in
25 future peacekeeping operations.

1 (I) WELFARE.—Peacekeeping operations
2 should assume responsibility for maintaining a
3 minimum standard of welfare for mission per-
4 sonnel to ameliorate conditions of service, while
5 adjustments are made to the discretionary wel-
6 fare payments currently provided to Member
7 States that contribute troops to offset the cost
8 of operation-provided recreational facilities.

9 (3) PEACEBUILDING COMMISSION.—

10 (A) ESTABLISHMENT.—Consistent with
11 the recommendations of the High Level Panel
12 Report, the United Nations should establish a
13 Peacebuilding Commission, supported by a
14 Peacebuilding Support Office, to marshal the
15 efforts of the United Nations, international fi-
16 nancial institutions, donors, and non-govern-
17 mental organizations to assist countries in tran-
18 sition from war to peace.

19 (B) STRUCTURE AND MEMBERSHIP.—The
20 Commission should—

21 (i) be a subsidiary body of the United
22 Nations Security Council, limited in size to
23 ensure efficiency;

24 (ii) include members of the United
25 Nations Security Council, major donors,

1 major troop contributing countries, appro-
2 priate United Nations organizations, the
3 World Bank, and the International Mone-
4 tary Fund; and

5 (iii) invite the President of ECOSOC,
6 regional actors, Member States that con-
7 tribute troops, regional development banks,
8 and other concerned parties that are not
9 already members, as determined appro-
10 priate, to consult or participate in meet-
11 ings as observers.

12 (C) RESPONSIBILITIES.—The Commission
13 should seek to ease the demands currently
14 placed upon the Department of Peacekeeping
15 Operations to undertake tasks that fall beyond
16 the scope of traditional peacekeeping, by—

17 (i) developing and integrating coun-
18 try-specific and system-wide conflict pre-
19 vention, post-conflict reconstruction, and
20 long-term development policies and strate-
21 gies; and

22 (ii) serving as the key coordinating
23 body for the design and implementation of
24 military, humanitarian, and civil adminis-
25 tration aspects of complex missions.

1 (D) RESOURCES.—The establishment of
2 the Peacebuilding Commission and the related
3 Peacebuilding Support Office, should be staffed
4 within existing resources.

5 SEC. 1153. CERTIFICATION.

6 (a) NEW OR EXPANDED PEACEKEEPING OPER-
7 ATIONS CONTINGENT UPON PRESIDENTIAL CERTIFI-
8 CATION OF PEACEKEEPING OPERATIONS REFORMS.—

9 (1) NO NEW OR EXPANDED PEACEKEEPING OP-
10 ERATIONS.—

11 (A) CERTIFICATION.—Except as provided
12 in subparagraph (B), until the Secretary of
13 State certifies that the requirements described
14 in paragraph (2) have been satisfied, the Presi-
15 dent shall direct the United States Permanent
16 Representative to the United Nations to use the
17 voice, vote, and influence of the United States
18 at the United Nations to oppose the creation of
19 new, or expansion of existing, United Nations
20 peacekeeping operations.

21 (B) EXCEPTION AND NOTIFICATION.—The
22 requirements described under subparagraphs
23 (F) and (G) of paragraph (2) may be waived
24 until January 1, 2007, if the President deter-
25 mines that such is in the national interest of



1 the United States. If the President makes such
2 a determination, the President shall, not later
3 than 15 days before the exercise of such waiver,
4 notify the appropriate congressional committees
5 of such determination and resulting waiver.

6 (2) CERTIFICATION OF PEACEKEEPING OPER-
7 ATIONS REFORMS.—The certification referred to in
8 paragraph (1) is a certification made by the Sec-
9 retary to the appropriate congressional committees
10 that the following reforms, or an equivalent set of
11 reforms, related to peacekeeping operations have
12 been adopted by the United Nations Department of
13 Peacekeeping Operations or the General Assembly,
14 as appropriate:

15 (A) A single, uniform Code of Conduct
16 that has the status of a binding rule and ap-
17 plies equally to all personnel serving in United
18 Nations peacekeeping operations, regardless of
19 category or rank, has been adopted by the Gen-
20 eral Assembly and mechanisms have been estab-
21 lished for training such personnel concerning
22 the requirements of the Code and enforcement
23 of the Code.

24 (B) All personnel, regardless of category or
25 rank, serving in a peacekeeping operation have

1 (E) A centralized data base has been cre-
2 ated and is being maintained in the United Na-
3 tions Department of Peacekeeping Operations
4 that tracks cases of misconduct, including the
5 outcomes of investigations and subsequent pros-
6 ecutions, to ensure that personnel, regardless of
7 category or rank, who have engaged in mis-
8 conduct or other criminal activities are perma-
9 nently barred from participation in future
10 peacekeeping operations.

11 (F) A Model Memorandum of Under-
12 standing between the United Nations and each
13 Member State that contributes troops to a
14 peacekeeping operation has been adopted by the
15 United Nations Department of Peacekeeping
16 Operations that specifically obligates each such
17 Member State to—

18 (i) designate a competent legal au-
19 thority, preferably a prosecutor with exper-
20 tise in the area of sexual exploitation and
21 abuse, to participate in any investigation
22 into an allegation of misconduct brought
23 against an individual of such Member
24 State;



1 (ii) refer to its competent national or
2 military authority for possible prosecution,
3 if warranted, any investigation of a viola-
4 tion of the Code of Conduct or other crimi-
5 nal activity by an individual of such Mem-
6 ber State;

7 (iii) report to the Department of
8 Peacekeeping Operations on the outcome
9 of any such investigation;

10 (iv) undertake to conduct on-site court
11 martial proceedings relating to allegations
12 of misconduct alleged against an individual
13 of such Member State; and

14 (v) assume responsibility for the pro-
15 vision of appropriate assistance to a victim
16 of misconduct committed by an individual
17 of such Member State.

18 (G) A professional and independent inves-
19 tigative and audit function has been established
20 within the United Nations Department of
21 Peacekeeping Operations and the OIOS to mon-
22 itor United Nations peacekeeping operations.



1 SEC. 1154. RULE OF CONSTRUCTION RELATING TO PROTEC-
2 TION OF UNITED STATES OFFICIALS AND
3 MEMBERS OF THE ARMED FORCES.

4 Nothing in this subtitle shall be construed as super-
5 seding the Uniform Code of Military Justice or operating
6 to effect the surrender of United States officials or mem-
7 bers of the Armed Forces to a foreign country or inter-
8 national tribunal, including the International Criminal
9 Court, for prosecutions arising from peacekeeping oper-
10 ations or other similar United Nations-related activity,
11 and nothing in this subtitle shall be interpreted in a man-
12 ner inconsistent with the American Servicemembers' Pro-
13 tection Act of 2002 (title II of the 2002 Supplemental Ap-
14 propriations Act for Further Recovery From and Re-
15 sponse To Terrorist Attacks on the United States; Public
16 Law 107-206).

17 TITLE V—DEPARTMENT OF
18 STATE AND GOVERNMENT AC-
19 COUNTABILITY OFFICE

20 SEC. 1161. POSITIONS FOR UNITED STATES CITIZENS AT
21 INTERNATIONAL ORGANIZATIONS.

22 The Secretary of State shall make every effort to re-
23 cruit United States citizens for positions within inter-
24 national organizations.



1 SEC. 1162. BUDGET JUSTIFICATION FOR REGULAR AS-
2 SESSED BUDGET OF THE UNITED NATIONS.

3 (a) DETAILED ITEMIZATION.—The annual congres-
4 sional budget justification shall include a detailed itemized
5 request in support of the assessed contribution of the
6 United States to the regular assessed budget of the United
7 Nations.

8 (b) CONTENTS OF DETAILED ITEMIZATION.—The
9 detailed itemization required under subsection (a) shall—

10 (1) contain information relating to the amounts
11 requested in support of each of the various sections
12 and titles of the regular assessed budget of the
13 United Nations; and

14 (2) compare the amounts requested for the cur-
15 rent year with the actual or estimated amounts con-
16 tributed by the United States in previous fiscal years
17 for the same sections and titles.

18 (c) ADJUSTMENTS AND NOTIFICATION.—If the
19 United Nations proposes an adjustment to its regular as-
20 sessed budget, the Secretary of State shall, at the time
21 such adjustment is presented to the Advisory Committee
22 on Administrative and Budgetary Questions (ACABQ),
23 notify and consult with the appropriate congressional com-
24 mittees.



1 **SEC. 1163. REVIEW AND REPORT.**

2 Not later than six months after the date of the enact-
3 ment of this Act, the Secretary of State shall conduct a
4 review of programs of the United Nations that are funded
5 through assessed contributions and submit to the appro-
6 priate congressional committees a report containing—

7 (1) the findings of such review; and

8 (2) recommendations relating to—

9 (A) the continuation of such programs;

10 and

11 (B) which of such programs should be vol-
12 untarily funded, other than those specified in
13 subparagraphs (A) through (R) of subsection
14 (c)(2) of section 11 of the United Nations Par-
15 ticipation Act of 1945, as amended by section
16 1111(c) of this title.

17 **SEC. 1164. GOVERNMENT ACCOUNTABILITY OFFICE.**

18 (a) **REPORT ON UNITED NATIONS REFORMS.**—Not
19 later than 12 months after the date of the enactment of
20 this Act and again 12 months thereafter, the Comptroller
21 General of the United States of the Government Account-
22 ability Office shall submit to the appropriate congressional
23 committees a report on the status of the 1997, 2002, and
24 2005 management reforms initiated by the Secretary Gen-
25 eral and on the reforms mandated by this title.



1 (b) REPORT ON DEPARTMENT OF STATE CERTIFI-
2 CATIONS.—Not later than six months after each certifi-
3 cation submitted by the Secretary of State to the appro-
4 priate congressional committees under this title and sub-
5 section (d)(3) of section 11 of the United Nations Partici-
6 pation Act of 1945 (as amended by section 1111(c) of this
7 title), the Comptroller General shall submit to the appro-
8 priate congressional committees a report on each such cer-
9 tification. The Secretary shall provide the Comptroller
10 General with any information required by the Comptroller
11 General to submit any such report.

12 (c) UNITED NATIONS CONSTRUCTION AND CON-
13 TRACTING.—Not later than six months after the date of
14 the enactment of this Act, the Comptroller General shall
15 submit to the Committee on International Relations of the
16 House of Representatives, the Committee on Foreign Re-
17 lations of the Senate, the Committee on Appropriations
18 of the House of Representatives, and the Committee on
19 Appropriations of the Senate a report describing the costs
20 associated with the contracting for and construction of the
21 Geneva, Switzerland, buildings of the World Meteorolog-
22 ical Organization (WMO) and the World Intellectual Prop-
23 erty Organization (WIPO). The report shall include anal-
24 yses of the procurement procedures for each such building
25 and shall specifically address issues of any corrupt con-



1 tracting practices that are discovered, such as rigged bids
2 and kickbacks, as well as other improprieties. The report
3 shall also include an identification of other credible allega-
4 tions of corrupt contracting at United Nations construc-
5 tion projects that involve major construction on a scale
6 comparable to the WMO and WIPO construction projects,
7 and a description of the results of an investigation into
8 each such credible allegation.

9 **Subtitle F—Certifications and** 10 **Withholding of Contributions**

11 **SEC. 1171. CERTIFICATIONS AND WITHHOLDING OF CON-** 12 **TRIBUTIONS:**

13 (a) CERTIFICATIONS.—

14 (1) IN GENERAL.—Except as provided in para-
15 graph (3), the certifications required under sub-
16 section (d)(3) of section 11 of the United Nations
17 Participation Act of 1945 (as amended by section
18 1111(c) of this title) and section 1113, sections
19 1114(a) through 1114(e), section 1114(g), section
20 1123, section 1124, sections 1131(c) and 1131(e),
21 section 1132, and section 1133 of this title are cer-
22 tifications submitted to the appropriate congres-
23 sional committees by the Secretary of State that the
24 requirements of each such section have been satis-
25 fied with respect to reform of the United Nations.



1 (2) ALTERNATE CERTIFICATION MECHANISM.—

2 (A) IN GENERAL.—Except as provided in
3 paragraph (3), in the event that the Secretary
4 is unable to submit a certification in accordance
5 with paragraph (1), the Secretary may submit
6 to the appropriate congressional committees, in
7 accordance with subparagraph (B), an alternate
8 certification that certifies that the requirements
9 of the section to which the original certification
10 applies have been implemented through reforms
11 that are substantially similar to the require-
12 ments of such section or accomplish the same
13 purposes as the requirements of such section.

14 (B) EQUIVALENCY.—Reforms are substan-
15 tially similar or accomplish the same purposes
16 if—

17 (i) such reforms are formally adopted
18 in written form by the entity or committee
19 of the United Nations or of its specialized
20 agency that has authority to enact or im-
21 plement such reforms or are issued by the
22 Secretariat or the appropriate entity or
23 committee in written form; and

24 (ii) such reforms are not identical to
25 the reforms required by a particular cer-



1 tification but in the determination of the
2 Secretary will have the same, or nearly the
3 same effect, as such reforms.

4 (C) WRITTEN JUSTIFICATION AND CON-
5 SULTATION.—

6 (i) WRITTEN JUSTIFICATION.—Not
7 later than 30 days before submitting an al-
8 ternate certification in accordance with
9 subparagraph (A), the Secretary shall sub-
10 mit to the appropriate congressional com-
11 mittees a written justification explaining in
12 detail the basis for such alternate certifi-
13 cation.

14 (ii) CONSULTATION.—After the Sec-
15 retary has submitted the written justifica-
16 tion under clause (i), but no later than 15
17 days before the Secretary exercises the al-
18 ternate certification mechanism described
19 under subparagraph (A), the Secretary
20 shall consult with the appropriate congres-
21 sional committees regarding such exercise.

22 (3) LIMITED EXCEPTION FOR SUBSTANTIAL
23 COMPLIANCE.—

24 (A) SUBSTANTIAL COMPLIANCE.—Subject
25 to subparagraph (B), if at least 32 of the 46

1 reforms represented by the 14 certifications
2 specified under paragraph (1) have been imple-
3 mented, all such reforms (including the
4 unimplemented reforms) so represented shall be
5 deemed to have been implemented for the year
6 in which the Secretary submits such certifi-
7 cations.

8 (B) MANDATORY IMPLEMENTATION OF
9 CERTAIN REFORMS.—

10 (i) IN GENERAL.—The provisions of
11 subparagraph (A) shall not apply unless
12 the reforms under the following sections
13 have been implemented for the year to
14 which subparagraph (A) applies:

15 (I) Subsection (d)(3) of section
16 11 of the United Nations Participa-
17 tion Act of 1945 (as amended by sec-
18 tion 1111(c) of this title).

19 (II) Section 1113(b)(1)(A).

20 (III) Section 1113(b)(2)(D).

21 (IV) Section 1114(a)(1).

22 (V) Section 1114(a)(6).

23 (VI) Section 1114(b)(1).

24 (VII) Section 1114(b)(2).

25 (VIII) Section 1114(c)(1).

1 (IX) Section 1131(b)(1).

2 (X) Section 1131(b)(2).

3 (XI) Section 1131(b)(3).

4 (XII) Section 1131(b)(5).

5 (XIII) Section 1131(b)(6).

6 (XIV) Section 1132(a)(1).

7 (XV) Section 1132(a)(2).

8 (ii) FULL COMPLIANCE IN SUC-
9 CEEDING YEAR.—If the unimplemented re-
10 forms under subparagraph (A) are not im-
11 plemented in the year succeeding the year
12 to which subparagraph (A) applies, the
13 provisions of subsection (b) shall apply for
14 such succeeding year.

15 (b) WITHHOLDING OF UNITED STATES CONTRIBU-
16 TIONS TO REGULAR ASSESSED BUDGET OF THE UNITED
17 NATIONS.—

18 (1) IN GENERAL.—Except as provided in para-
19 graph (4) and in accordance with paragraph (2),
20 until such time as all certifications (or alternate cer-
21 tifications) are submitted in accordance with sub-
22 section (a), the United States shall appropriate, but
23 withhold from expenditure, 50 percent of the con-
24 tributions of the United States to the regular as-



1 sessed budget of the United Nations for a biennial
2 period.

3 (2) AVAILABLE UNTIL EXPENDED.—The con-
4 tributions appropriated but withheld from expendi-
5 ture under paragraph (1) are authorized to remain
6 available until expended.

7 (3) APPLICATION WITH RESPECT TO SECTION
8 11(B) OF THE UNITED NATION PARTICIPATION ACT
9 OF 1945.—Until such time as all certifications (or al-
10 ternate certifications) are submitted in accordance
11 with subsection (a), subsection (b) of section 11 of
12 the United Nations Participation Act of 1945 (as
13 amended by section 1111(c) of this title) shall be ad-
14 ministered as though such section reads as follows:
15 “The Secretary may not make a contribution to a
16 regularly assessed biennial budget of the United Na-
17 tions in an amount greater than 11 percent of the
18 amount calculable under subsection (c).”.

19 (4) SECTION 11(D)(3) OF UNITED NATIONS PAR-
20 TICIPATION ACT OF 1945.—

21 (A) SPECIAL RULE.—A certification under
22 subsection (d)(3) of section 11 of the United
23 Nations Participation Act of 1945 (as amended
24 by section 1111(c) of this title) (relating to the
25 2008–2009 biennial period and subsequent bi-



1 ennial periods) shall not be required until such
2 time as the United Nations makes its formal
3 budget presentation for the 2008–2009 biennial
4 period.

5 (B) APPLICATION.—If the Secretary does
6 not submit a certification under such section,
7 the 50 percent withholding described under
8 paragraph (1) shall apply.

9 (c) RELEASE OF FUNDS.—At such time as all certifi-
10 cations (or alternate certifications) are submitted in ac-
11 cordance with subsection (a), the United States shall
12 transfer to the United Nations amounts appropriated but
13 withheld from expenditure under subsection (b).

14 (d) ANNUAL REVIEWS.—

15 (1) IN GENERAL.—The Secretary shall conduct
16 annual reviews, beginning one year after the date on
17 which the Secretary submits the final certification
18 (or alternate certification) in accordance with sub-
19 section (a), to determine if the United Nations con-
20 tinues to remain in compliance with all such certifi-
21 cations (or alternate certifications). Not later than
22 30 days after the completion of each such review,
23 the Secretary shall submit to the appropriate con-
24 gressional committees a report containing the find-
25 ings of each such review.



1 (2) ACTION.—If during the course of any such
2 review the Secretary determines that the United Na-
3 tions has failed to remain in compliance with a cer-
4 tification (or an alternate certification) that was
5 submitted in accordance with subsection (a), the 50
6 percent withholding described under subsection (b)
7 shall re-apply with respect to United States con-
8 tributions each fiscal year to the regular assessed
9 budget of the United Nations beginning with the fis-
10 cal year immediately following such review and sub-
11 sequent fiscal years until such time as all certifi-
12 cations (or alternate certifications) under subsection
13 (a) have been submitted.

14 (e) EFFECTIVE DATE.—The certifications (or alter-
15 nate certifications) specified under subsection (a) shall be
16 required with respect to United States contributions to-
17 wards payment of regular assessed dues of the United Na-
18 tions for 2007 and subsequent years.

